

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH RODRIGUEZ, :
Plaintiff, :
v.

COURT SHERIFF OFFICIAL, :
Defendant.

FILED CIVIL ACTION NO. 19-CV-605

FEB 22 2019

KATE BARKMAN, Clerk
By _____ : Dep. Clerk

ORDER

AND NOW, this day of February, 2019, upon consideration of Plaintiff Joseph Rodriguez's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 3), and his *pro se* Complaint (ECF No. 2), it is ORDERED that:

1. Leave to proceed *in forma pauperis* is GRANTED.
2. Plaintiff Joseph Rodriguez, #NJ-5298, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Rodriguez, an initial partial filing fee of \$38.43 is assessed. The Superintendent or other appropriate official at the State Correctional Institution at Phoenix or at any other prison at which Rodriguez may be incarcerated is directed to deduct \$38.43 from Rodriguez's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 19-605. In each succeeding month when the amount in Rodriguez's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Rodriguez's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 19-605.

3. The Clerk of Court is directed to send a copy of this order to the Superintendent of SCI-Phoenix.

4. The Complaint is **DEEMED** filed.

5. The Complaint is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) in accordance with the Court's Memorandum.

6. Rodriguez may file an amended complaint within thirty (30) days of the date of this Order in the event he can state a plausible basis for a claim. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED**.

7. The Clerk of Court shall send Rodriguez a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the civil action number of this case. Rodriguez may use this form to file his amended complaint.

8. If Rodriguez fails to file an amended complaint, his case may be dismissed without prejudice for failure to prosecute without further notice.

BY THE COURT:



Petreese B. Tucker
PETRESE B. TUCKER, J.